

REMARKS

Claims 1-4 have been rejected by the Examiner under the judicially created Doctrine of Obviousness-type Double Patenting as being unpatentable over claims 3, 4, 6 and 19 of U.S. Patent 6,702,080. This rejection is respectfully traversed.

For all of the reasons set forth in the Applicants' previous response to the Examiner's first Office Action letter, it is believed that claims 1-4 have been improperly rejected by the Examiner on the basis of double patenting over claims 3, 4, 6 and 19 of U.S. Patent 6,702,080. However, in an effort to expedite the prosecution of the present application, attached to the present Amendment is a Terminal Disclaimer submitted in compliance with 37 CFR 1.321(c). Accordingly, it is believed that the double patenting rejection has been eliminated.

The specification and claims of the present application are directed to a clutch device having a central shaft 62. Due to an inadequate translation of the priority document, the central shaft 62 was characterized as being a rotatable central shaft while, in actuality, the central shaft 62 does not rotate. This would be readily recognized by one having ordinary skill in the art. This characterization of central shaft 62 as being rotatable is found in the Abstract of the Disclosure, and throughout various portions of the specification. Because of this fact, there was an error in the original claims of U.S. Patent 6,702,080, issued March 9, 2004. Accordingly, a reissue application is being filed in the USPTO in connection with U.S. Patent 6,702,080 wherein the limitation that the central shaft rotates is being removed. Thus, the words "rotating" or "rotatable" are being removed from relevant parts of the Abstract of the Disclosure, the specification and the claims of U.S. Patent 6,702,080. Accordingly, since the present application is a continuation of the issued patent and in order to render the present application consistent

with the reissue application, the Abstract of the Disclosure and the specification of the present application are being currently amended to provide the consistency with the parent U.S. patent. Also, in the present Amendment, claims 1-4 which are now presumed to be allowable because of the filing of the Terminal Disclaimer, have been further editorially amended.

It is noted, with appreciation, that the Examiner has indicated that claims 5 and 6 have been allowed. However, in acting on the present application, the Examiner has failed to consider claims 7-12 which were newly added in the Applicants' previous response to the Examiner's Office Action letter. In an effort to clarify this inadvertency, the Applicants' attorney conducted an interview with the Examiner in which the Examiner recognized the inadvertency of not considering claims 7-12 of the present application. However, the Examiner noted that since claims 5 and 6 were deemed allowable and since claims 7-12 are dependent from claims 5 and 6, then claims 7-12 would also be considered allowable by the Examiner.

Accordingly, since the rejection of claims 1-4 under the judicially created Doctrine of Obviousness-type double patenting has been eliminated by the filing of the Terminal Disclaimer and since claims 7-12 are dependent from allowed claims 5 and 6, it is believed that the entire application containing claims 1-12 is now in condition for allowance. Accordingly,

Application No. 10/720,487
Amendment dated March 2, 2006
After Final Office Action of November 2, 2005

Docket No.: 0630-1872P

reconsideration of the rejections and allowance of all of the claims of present application are
respectfully requested.

Dated: March 2, 2006

Respectfully submitted,

By 

Joseph A. Kolasch

Registration No.: 22,463

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachments: Abstract of the Disclosure
Terminal Disclaimer and Fee